

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

MAGDALENA FIGUEROA, and  
SYLVIA MAGADAN,

Plaintiffs,

vs.

Civil No. 02-CV-1086 KBM/LCS

UNITED STATES OF AMERICA,

Defendant.

**STIPULATED**  
**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

**Stipulated Findings of Fact:**

1. The United States is a sovereign nation responsible for enforcement of the immigration laws by the officers, agents and employees of the Immigration and Naturalization Service and the U.S. Border Patrol.
2. Plaintiff Figueroa was a legal permanent resident, or legal resident alien, as of date of the incident at issue, August 4, 1999.
3. At some point after clearing the Alamogordo checkpoint, Plaintiffs headed south on Highway 54, towards El Paso.
4. Plaintiffs agreed to go to the Border Patrol station in Alamogordo.
5. The Border Patrol questioned both Plaintiffs at the station in Alamogordo before releasing Plaintiffs without charging them for any criminal offenses relating to this incident.
6. Plaintiff Figueroa signed an agreement to release and hold harmless the government from any and all claims as a result of the seizure of her van on August 4, 1999.
7. Plaintiff Figueroa signed an agreement that the delay in securing the return

of her van would not be construed in any way against the government.

**Stipulated Conclusions of Law:**

1. The Court has jurisdiction over this matter under the Federal Tort Claims Act (FTCA), 28 U.S.C. §§ 1346(b), 2671 et seq.
2. The parties further stipulate and agree that the law governing this case is the FTCA, and the law of the state of New Mexico as it relates to the FTCA.
3. Venue lies in this district pursuant to 28 U.S.C. § 1391(b).

Respectfully submitted,

Approved via email on 3/1/04  
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